
Public Notice

Applicant:
ATDM Corporation

Date:
Published: August 28, 2003
Expires: September 12, 2003

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 98-976-0115(4) Section: NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Alternative Technology Development and Management Corporation, ATDM Corp., 9096 Olean Road, Holland, New York 14080-9776, has applied for Department of the Army authorization to perform work in wetlands associated with Cazenovia Creek.

The project site is located near the corner of Hand and Savage Roads in the Town of Sardinia, Erie County, New York.

The work entails placing fill into 1.31 acres of federal jurisdictional wetland in association with the construction of hydroponic greenhouses, support buildings and stormwater retention ponds. This particular site was chosen due to size, topography, and its proximity to Chaffee Landfill which will provide methane gas to run the greenhouses.

A conceptual mitigation plan involves the construction of 1.65 acres of wetlands on-site. Wetlands will be created along the northern portion of the site to replace the drainage function of the linear wetland in the center of the site that will be impacted by the project. Additional wetland will be created along the perimeter of the new pond on the westerly portion of the project site. This will be done by grading the pond perimeter to create a shallow water shelf that will support wetland vegetation. If the decision is made to permit the proposed work, the applicant will be required to submit detailed mitigation plans and drawings to the Corps of Engineers for prior approval before commencing with the work authorized by the permit.

The purpose of the project is to construct and operate a hydroponic tomato greenhouse that will produce over 10 million pounds of tomatoes annually that will be sold on the domestic market.

Location and details of the above described work are shown on the

attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Heather L. Adams, who can be contacted by calling (716) 879-4256, or by e-mail at: heather.l.adams@lrb01.usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Heather L. Adams, or by e-mail at: heather.l.adams@lrb01.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

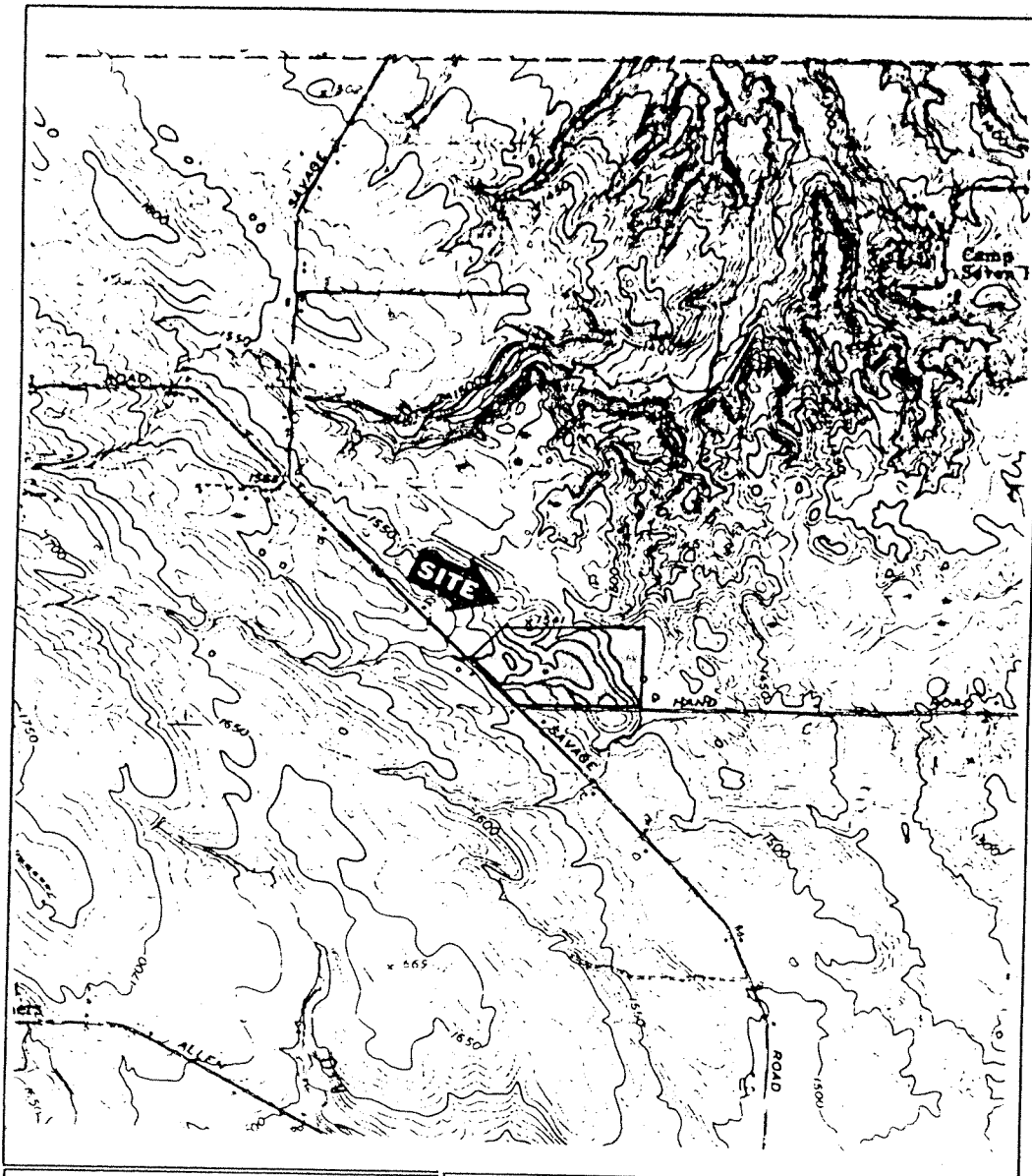
Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 15 days from the date of issuance.



EARTH DIMENSIONS INC.

Hand Road Greenhouse



NORTH
↑

Figure 1 USGS 7.5 Minute
Topographical Map
Sardinia/Arcade Quadrangles
1957/1979

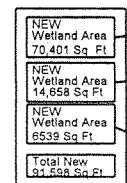
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Erie County, New York Quad: SARDINIA
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WETLANDS NOTE:

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SOILS FROM EXISTING WETLANDS BEING RELOCATED SHALL BE STOCKPILED ON SITE (SEPARATELY FROM TOPSOIL). NEW WETLAND AREAS SHALL BE REUSE SOIL MATERIALS FROM EXISTING WETLAND AREAS. THE REUSE OF NEW WETLAND AREAS SHALL MATCH THE LOW-SLOPE TOPOGRAPHY OF THE EXISTING WETLANDS. THEY WILL BE SEEDBED WITH NATIVE WETLAND SPECIES ALREADY FOUND ON SITE. INVASIVE SPECIES SUCH AS PURPLE LOOSESTRIFE WILL BE REMOVED USING APPROVED D.E.C. HERBICIDES AND PROCEduRES. EXISTING WETLAND AREAS TO REMAIN SHALL BE PROTECTED FROM EROSION, CUTS, AND DEBRIS TO THE FULLEST EXTENT PRACTICAL.



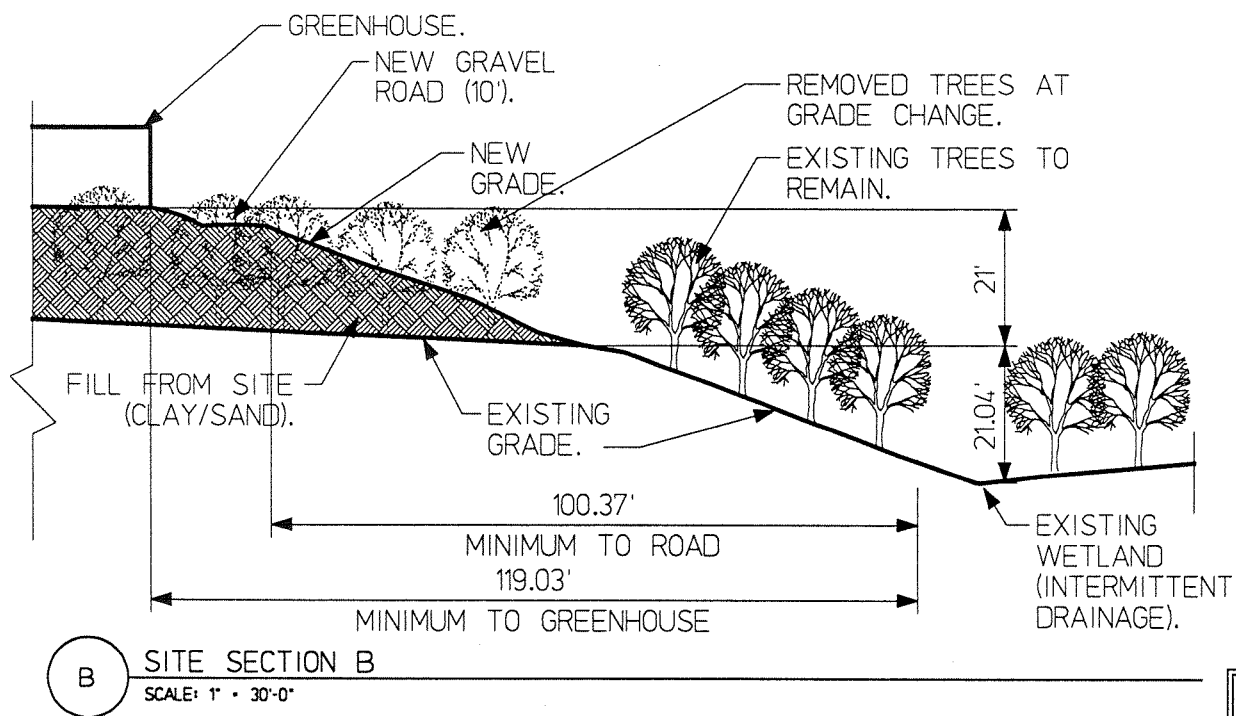
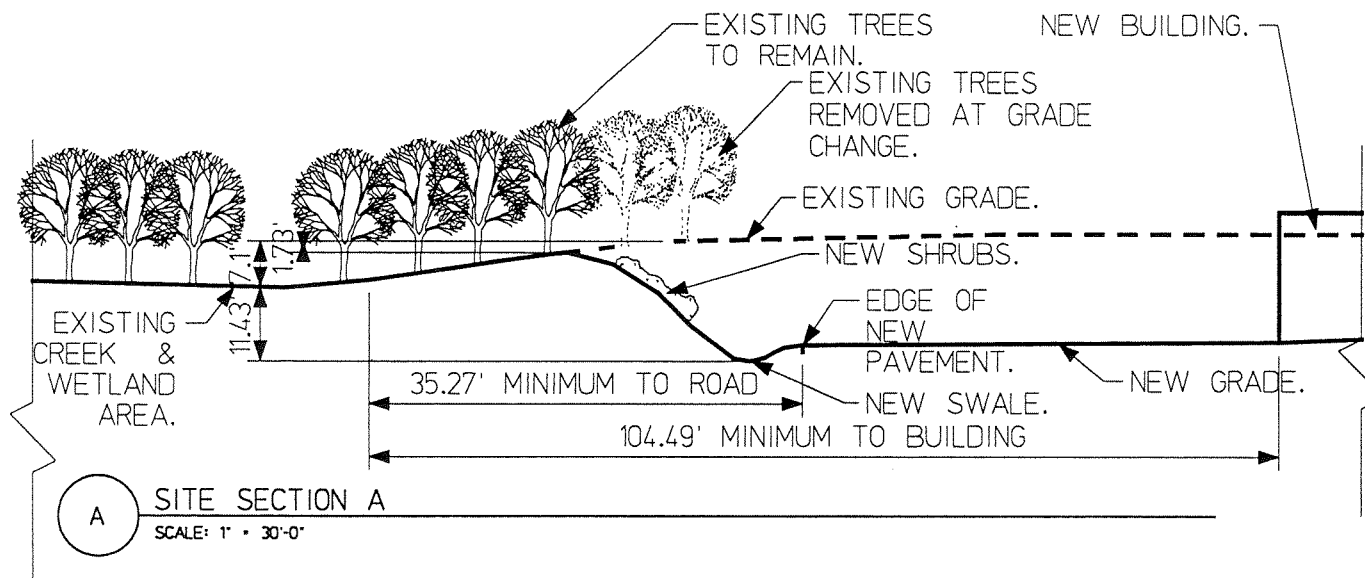
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PLAN VIEW

SCALE: 1" = 250'-0"

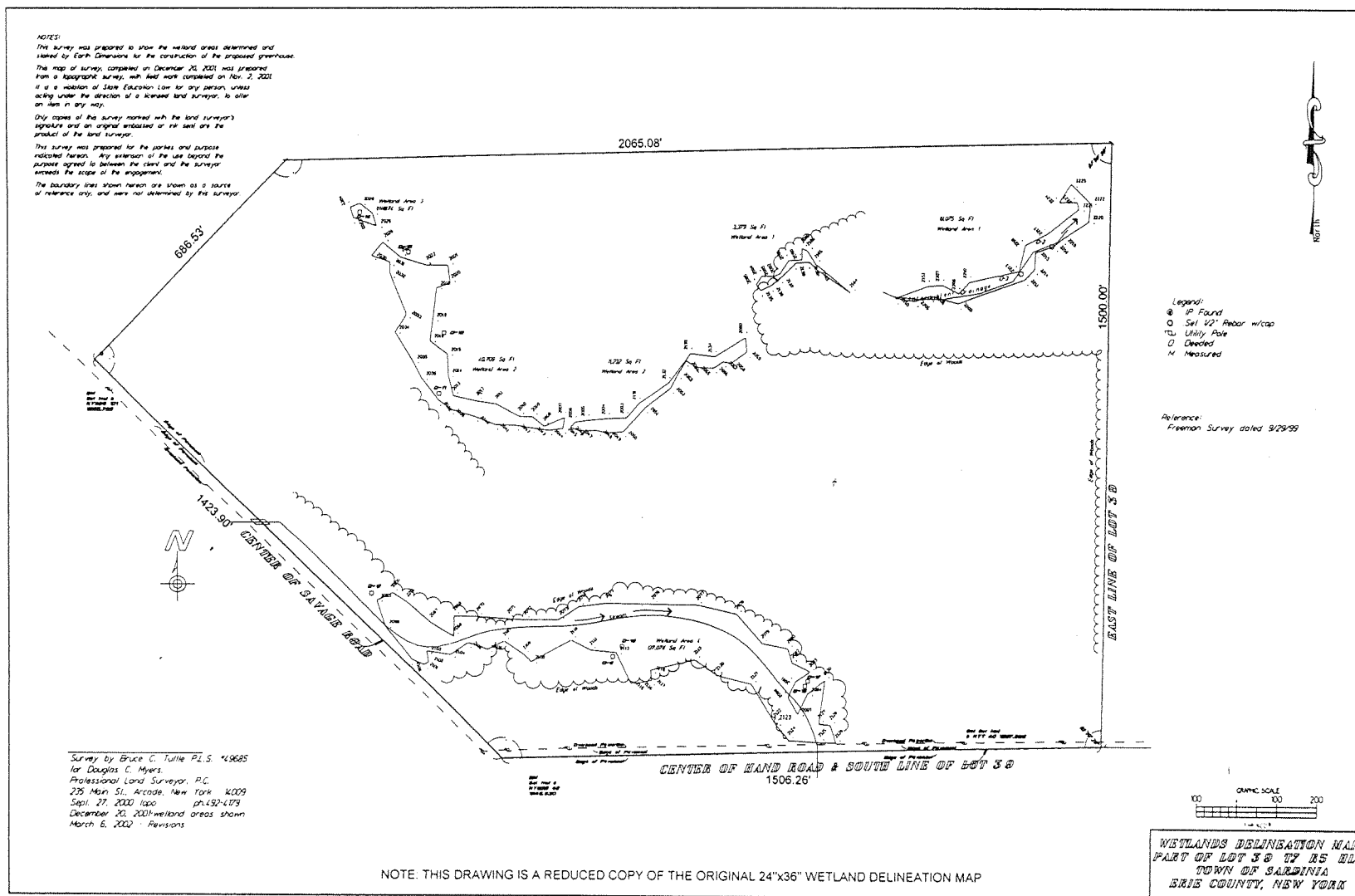
AUGUST 18, 2003

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GENERAL LOCATION

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